

FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

Donald C. Brey, Esq.
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65 East State Street, Suite 1000
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MAR 13 2015

RE:

MUR 6494

Peter Schmidt

Dear Mr. Brey:

Enclosed please find the Factual and Legal Analysis, which more fully explains the Commission's decision in this matter. This document will be placed on the public record as part of the file in MUR 6494 when that matter is closed as to all respondents. The Commission reminds you that the confidentiality provisions of 52 U.S.C. § 30109 (a)(12)(A) (formerly 2 U.S.C. § 437g(a)(12)(A)) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions please contact me at (202) 694-1650.

Sincerely,

William A. Powers

Assistant General Counsel

Enclosure

Factual and Legal Analysis

•	FEDERAL ELECTION	COMMISSON
	FACTUAL AND LEGAL ANALYSIS	
RESPONDENT:	Peter Schmidt	MUR 6494

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I. GENERATION OF MATTER

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This matter was generated by a Complaint filed with the Federal Election Commission

9 (the "Commission"). See 52 U.S.C. § 30109(a)(1) (formerly 2 U.S.C. § 437g(a)(1)).

II. FACTUAL AND LEGAL ANALYSIS

11 Complainant alleges, among other things, that Peter Schmidt Assistant Treasurer to Representative Jeannette Schmidt's principal campaign committee, the Schmidt for Congress 12 Committee (the "Committee"), violated 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)) 13 when the Committee failed to disclose to the Federal Election Commission payments by the 14 15 Turkish Coalition of America through the Turkish American Legal Defense Fund for legal 16services provided to Representative Schmidt and the Committee. A joint Response filed by Peter Schmidt, among others argues that the Committee was not a party to the four legal proceedings, 17 and that the legal services TALDF provided were not "in connection with" an election and not 18

All political committees are required to file reports of their receipts and disbursements.³

These reports must itemize all contributions received from contributors that aggregate in excess

"for the purposes of influencing" an election.²

On September 1, 2014, the Federal Election Campaign Act of 1971, as amended (the "Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

² Schmidt Resp. at 3-4, 6-7 (Nov. 2, 2011).

⁵² U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)).

- of \$200 per election cycle.⁴ Any in-kind contribution must also be reported as an expenditure on
- 2 the same report.⁵
- 3 Among its allegations, the Complaint alleges that Peter Schmidt (the current Assistant
- 4 Treasurer) violated the Act in his personal capacity because the Committee's reports did not
- 5 include the receipt of the prohibited in-kind contributions.⁶ There is no information to suggest
- 6 Peter Schmidt, in his individual capacity, violated the Act.⁷
- 7 Accordingly, the Commission finds no reason to believe that these individuals violated
- 8 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)).

Id. § 30104(b) (formerly 434(b)); 11 C.F.R. § 104.3(a)(4).

¹¹ C.F.R. §§ 104.3(b), 104.13(a)(2).

Compl. at 15-16.

See Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3 (Jan. 3, 2005).